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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,727	05/03/2005	Maarten Walter Steinmann	FR020115US1	4535

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EXAMINER

RALEIGH, DONALD L

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,727

Applicant(s)

STEINMANN ET AL.

Examiner

DONALD L. RALEIGH

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 2, 3 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

The Amendment, filed on June 05, 2008 has been entered and acknowledged by the Examiner. Addition of claims 3-7 has been entered. Claims 1-7 are pending in the instant application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 3 recite the limitation of the percentage of SiO₂ in an amount of 60-72%, which is a broader range than 60-70% as stated on the base independent claim 1, thus the claims are indefinite as containing subject matter broader than the base claim and failing to further limit the claimed percentage.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter et al (WO 2001/56941) in view of Brocheton (US Patent No. 5,932,501). (The English

translation of Ritter (US PG Pub. No. 2003/0087746) has been used for examination purposes).

Regarding Claim 1, Ritter discloses, in the abstract, a lamp having a glass envelope, tin between 0.1 and 2% by weight, barium between 7 and 11% by weight, SiO_2 between 60 and 70% by weight, and strontium between 1 and 5% by weight.

Although Ritter fails to specifically disclose the intended use of the glass as an automobile signal lamp; Paragraphs [0012] and [0014] suggest its use in halogen lamps by adding alkali earth oxides (such as Barium and Strontium). The object of Ritter's invention to solve these problems associated with halogen lamps. Such halogen lamps are known to be used in automobile signal lamps.

Ritter fails to disclose the glass being red colored, the glass composition comprising copper between 0.1 and 2% by weight.

Brocheton teaches, in the abstract, line 8, adding copper in the above range of amounts in order to produce a red colored lamp (Column 6, lines 12-17). Furthermore, Brocheton teaches that the presences of tin (stannous oxide) (present in the composition of Ritter) aids in producing the strong red coloration.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to add copper, in the amounts taught by Brocheton, to the composition of Ritter, which includes the reducing properties of tin, in order to produce a strong red color.

Regarding Claim 4, Ritter fails to exemplify the electric lamp wherein the glass composition comprises between 0.6 - 0.9 percent by weight of the oxidic form of CuO .

Brocheton teaches in the abstract, line 8, adding CuO within the claimed range to produce a strong red coloration of the glass (Column 6, lines 12-17).

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It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to add copper, in the amounts taught by Brocheton, to the composition of Ritter, which includes the reducing properties of tin, in order to produce a strong red color.

Regarding Claim 5, Ritter fails to exemplify the electric lamp wherein the glass composition comprises between 0.3 - 1.8 percent by weight of the oxidic form of SnO_2 .

Brocheton teaches in the abstract, line 7, adding SnO_2 in the amount of 0-4 wt. % in order to act as a reducing agent for the copper added (Column 6, lines 12-17).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to add SnO_2 , in the amounts taught by Brocheton, to the composition of Ritter, which includes copper, in order to produce a strong red color.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter (941) in view of Brocheton(501) and further in view of Siebers et al (US Patent No. 6,846,760).

Regarding Claim 6, Ritter, as modified by Brocheton, fails to exemplify the electric lamp wherein the glass composition comprises from a trace amount up to 0.05 percent by weight of the oxidic form of Fe_2O_3 .

Siebers teaches the glass composition comprises from a trace amount up to 0.05 percent by weight of the oxidic form of Fe_2O_3 . (Column 10, lines 45-47 teaches amounts of 160 ppm or $160 \times 10^{-6} = .0160$ wt %. Furthermore, teaches in Column 18, lines 6-14 using the glass in a vehicle halogen lamp. Siebers includes the oxidic form of Fe_2O_3 in order to provide a coloring agent for the glass (Column 22, lines 27-32).

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It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to add the oxidic form of Fe_2O_3 to the glass, as taught by Siebers, in the electric lamp of Ritter, as modified by Brocheton, in order to provide a coloring agent for the glass.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Claims 2, 3 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding Claim 2, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in Claim 2, and specifically comprising the limitation of the glass composition, expressed in percents by weight of the oxidic forms of the constituents, comprises:

SiO_2	60-72
Al_2O_3	1-5
Li_2O	0.5-1.5
Na_2O	5-9
K_2O	3-7
MgO	1-2
CaO	1-3
SrO	1-5
BaO	7-11
CuO	0.1-2
SnO_2	0.1-2

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Regarding Claim 3, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in Claim 3, and specifically comprising the limitation of the glass composition, expressed in percents by weight of the oxidic forms of the constituents, comprises:

SiO ₂	60-72
Al ₂ O ₃	1-5
Li ₂ O	0.5-1.5
Na ₂ O	5-9
K ₂ O	3-7
MgO	1-2
CaO	1-3
SrO	1-5
BaO	7-11
CuO	0.6-0.9
SnO ₂	0.3-1.8

Regarding Claim 7, it is allowable for the reasons given in Claim 3 because of its dependency status on Claim 3.

Response to Arguments

Applicant's arguments, see amendment, filed June 5, 2008, with respect to the rejection(s) of claim(s) 1 under Van Dulmen (Us PG Pub. No. 2001/0013748) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ritter et al (WO 2001/056941) in view of Brocheton (US Patent No. 5,932,501).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONALD L. RALEIGH whose telephone number is (571)270-3407. The examiner can normally be reached on Monday-Friday 7:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald L Raleigh/
Examiner, Art Unit 2879

/Mariceli Santiago/
Primary Examiner, Art Unit 2879